IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 23RD MARCH 2007 / 2ND CHAITHRA 1929

Crl.MC.No. 876 of 2007()

CRIME NO. 124/07 OF HILL PALACE POLICE STATION

PETITIONER:

IBRAHIM, S/O. AHMED, AGED 48 YEARS
YASHIM HOUSE, THARUVAHA P.O.
NORTH VYNADU.

BY ADV. SRI.T.K.AJITHKUMAR (VALATH)

RESPONDENTS:

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1. STATE OF KERALA REP. BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA.

2. THE SUB INSPECTOR OF POLICE,
HILL PALACE POLICE STATION, TRIPPOONITHURA.

BY PUBLIC PROSECUTOR SRI.S.U. NAZAR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 23/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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Crl.M.C.No. 876 of 2007

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Dated this the 23rd day of March, 2007

O R D E R

The petitioner faces allegations under Section 420 I.P.C. Apprehending arrest, he went before the learned Sessions Judge. The learned Sessions Judge granted bail subject to conditions. The period of that anticipatory bail expires tomorrow.

2. The petitioner has come rushing to this Court complaining about the condition, which was imposed on him by the learned Sessions Judge. The learned Sessions Judge observed that the petitioner herein "is prepared to settle the matter by paying back the amount".

3. The petitioner now submits that he had never agreed before the learned Sessions Judge to pay back the amount. All that he had agreed was to settle the dispute. There is a claim for a higher amount. But the petitioner had agreed only to pay an amount of Rs.4,000/-

4. If that be so, the petitioner must have immediately moved the learned Sessions Judge to make that position clear and must have

sought appropriate directions. Even now the petitioner can, if his version were correct, go before the learned Sessions Judge and submit before the learned Judge that his representation was wrongly understood and recorded by the learned Judge. The course adopted by him of not approaching the learned Sessions Judge and coming to this Court for modification of the condition does not appear to me to be fair and proper. I am not, in these circumstances, persuaded to modify the order by invoking the powers under Section 439(2) or 482 Cr.P.C.

5. This Crl.M.C. is accordingly dismissed. I make it clear that the petitioner's option to approach the learned Sessions Judge for modification of the order shall remain unfettered.

(R. BASANT)
Judge

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